



# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

**APPROVED**

Monday, August 12, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Allen Curseaden, Selectman Corliss Lambert.

Member Absent: Selectman Robert Jackson.

Staff Present: Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay.

Staff Absent: Town Administrator Michael Gilleberto.

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Puleo read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

## **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

The Chairman opened the meeting at 6:00PM followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Rick Reault, Clerk.

## **2. Meeting Minutes**

A. Regular Session Meeting Minutes for Approval

1. Monday, July 29, 2013

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the Minutes of Monday July 15, 2013 with the following correction, insert the Selectmen's Names on the motions.

## **3. Citizen/Business Time - No one came forward this evening.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

## **4. New Business**

A. Permanent Borrowing/Bond Anticipation Note (Town Treasurer) - Approve

The Administrator is please to inform the Board that Moody's Investor Services notified the Town that it has affirmed the Town's assigned bond rating of Aa3. This rating was in response to the Town's preparations to solicit bids on approximately \$1.5 million in long-term borrowing, scheduled to be reviewed by the Board of Selectmen on August 12, 2013, which included a rating evaluation conducted by Moody's with Town Officials during the week of July 29, 2013. The Town's last bond rating issuance was A2 in August, 2007, and the Town was re-classified to Aa3 in May, 2010 as part of a nationwide re-calibration. The Aa3 rating places the Town in the top 25% of rated entities

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nationwide. Moody's cited the following factors in affirming this rating: moderately-sized tax base, stable financial position, improving reserve levels, manageable debt, and then recent trend of structurally-balanced operations. This rating is a testimony to the prudent financial management of the Town, under the leadership of the Town's elected officials and as demonstrated by the actions of Town Meeting; and continuing our prudent financial actions which include contributions to our reserves, and reducing our reliance on Free Cash in the annual budget, will further enhance the Town's financial standing. The Administrator recognizes the hard work and dedication of Finance Coordinator/Town Treasurer Kerry Colburn-Dion, as well as the efforts of Collector of Taxes Gene Spickler, Chief Assessor Lauren Woekel, Town Accountant Catherine Gabriel, and Town Clerk Joanne Shifres, towards obtaining this affirmation.

The Finance Coordinator/Treasurer announces that the Town received very favorable rates on both Bond Anticipation Note to be issued August 15, 2013, pending the Selectmen's review and approval on August 12, 2013. The lowest competitive NIC (Net Interest Cost) bid received for the Old Town Hall Restoration one year BAN totaling \$2,500,000 was 0.289%. The lowest TIC (Total Interest Cost) for the \$1,495,000 General Obligation Municipal Purpose Bond was 2.567804% with maturity dates extending through August of 2026. The bonded items are as follows:

<u>Item</u>	<u>Authorization Date</u>	<u>Amt. to be financed</u>
Fire Department Vehicle	2/15/2012	\$ 30,000
Wash Station Completion	2/15/2012	\$ 80,000
Pierce Field Bleachers	2/15/2012	\$ 175,000
Add'l Highway Garage	3/25/2008	\$ 26,700
School Boilers	5/20/2008	\$ 334,300
Fire Truck	5/20/2008	\$ 312,000
Fire Truck 2	6/07/2011	\$ 207,000
Dump Truck w/Plow		\$ 140,000
Wood Chipper		\$ 50,000
Master Plan		\$ 50,000
Town Office Carpet		\$ 40,000
School Technology		\$ 50,000
Total		\$1,495,000

Principal pay downs as part of the financing strategy consist of \$28,015 on the Building Commissioner's Vehicle, \$500 on the School Boilers, \$16,056 on the Fire Department Vehicle, and \$24,800 on the Norris Road Field Study. Premiums will be received on both borrowings to cover bonding notes.

I, the Clerk of the Board of Selectmen of the Town of Tyngsborough, Massachusetts (the "Town"), certify that at a meeting of the Board held Monday, August 12, 2013, of which meeting all members of the Board were duly notified and at which a quorum was present, the following votes were unanimously passed 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden, all of which appear upon the official record of the Board in my custody:

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Voted: that the maximum useful life of the departmental equipment to be financed with the proceeds of the \$709,000 borrowing authorized as indicated below, is hereby determined pursuant to G.L. c.44, s7(9) to be as follows:

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Authorized</u>	<u>Maximum Useful Life</u>
Fire Truck	\$312,000		20 years
Fire Truck	207,000	June 7, 2011 (Art. 10)	20 years
Dump Truck	140,000	May 21, 2013 (Art. 8-1)	10 years
With Plow/Sander			
Wood Chipper	50,000	May 21, 2013 (Art. 8-2)	10 years

Further Voted: that the sale of the \$1,495,000 General Obligation Municipal Purpose Loan of 2013 Bonds of the Town dated August 15, 2013 (the "Bonds"), to Roosevelt & Cross, Inc. at the price of \$1,541,497.15 is hereby approved and confirmed. The Bonds shall be payable on August 15, of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$110,000	3.00%	2020	\$115,000	3.00%
2015	115,000	3.00	2021	115,000	3.00
2016	130,000	3.00	2022	110,000	3.00
2017	130,000	3.00	2023	115,000	3.00
2018	130,000	3.00	2026	310,000	3.25
2019	115,000	3.00			

Further Voted: that the Bonds maturing on August 15, 2026 (a "TERM" Bond) shall be subject to mandatory redemption or mature as follows:

Term Bond due August 15, 2026

<u>Year</u>	<u>Amount</u>
2024	\$100,000
2025	105,000
2026*	105,000

\*Final Maturity

Further Voted: to approve the sale of a \$2,500,000 1.00 percent General Obligation Bond Anticipation Note of the Town dated August 16, 2013, and payable August 15, 2014 (the "Note"), to Eastern Bank at par plus a premium of \$17,725.63.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 31, 2013, and a final Official Statement dated August 7, 2013 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated July 31, 2013, and a final Official Statement dated August 7, 2013, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporate by reference in the Bonds and Notes, as applicable, for the benefit of the respective holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03 (2)(b), at least 48 hours, not including Saturdays, Sundays, and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c30A, ss18-25 as amended.

## 5. Old Business

### A. First Parish Meeting House

Discussions between Town Counsel and the Attorneys for the seller of the First Parish Meeting House regarding a Purchase and Sale Agreement continue, but are not yet complete. The Board's previous acceptance of the seller's "Offer to Sell" expires August 14, 2013; after discussion with Town Counsel the Administrator recommends the Board votes the following:

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert, to extend the term of the "Offer to Sell" dated May 17, 2013 to expire October 13, 2013.

## 6. Citizen/Business Time – No one came forward this evening.

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### 7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

#### A. Informational

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the correspondence as presented.

#### B. Action

The Board received a letter of resignation from Mr. Geisenhainer, he is no longer able to serve as a member of the Council on Aging; and a letter of interest was received from Fred French wishing to serve on the Council.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Fred French as a Member on the Council on Aging.

### 8. Review of Weekly Warrants

The Weekly Warrants read this week are as follows: Warrant #6B for \$3,340,714.20 on 8/5/13; Warrant #6S for \$200,295.87 on 8/5/2013; Warrant #7P for \$377,998.58 on 8/12/13; Warrant #7B for \$1,271,480.55 on 8/12/13.

### 9. Town Administrator's Report

- Response to Selectmen's Requests

Attached is a list of vacant properties provided by the Building Commissioner.

The Police Chief, Highway Senior Foreman, Selectman Curseaden and the Administrator have reviewed the Flint's Corner intersection; and have requested proposals from two traffic engineering firms in advance of a recommendation to be made at the August 26<sup>th</sup> meeting.

The Administrator has spoken with the District 4 MassDoT Director regarding items discussed at recent Board meetings; and will have a full report from MassDoT on Indian Lane and the southbound Route 3 exit ramp at Westford Road.

- Budget

The Administrator intends to circulate departmental budget requests for the next three fiscal years on or about September 1<sup>st</sup>.

- Departmental Information

Attached is a copy of the appointment letter for the Interim Veteran's Agent.

Attached is a copy of the FY2012 audit management letter. Findings for FY2012 are consistent with past years, with the exception of our school expenditure reporting issues attributed to transition in the position of Town Accountant.

The Assistant Town Administrator, Recreation Director, and the Administrator are facilitating discussion with the YMCA of Greater Lowell regarding their use of the Recreation Center this school year. The YMCA will meet with the Recreation Committee on Tuesday, August 13<sup>th</sup> to discuss potential changes to the terms of the use of the facility. The Board will be updated on August 26<sup>th</sup>.

- Contracting/Procurement

Attached is a copy of the Independence/Ridge/Trinity Chapter 90 project request. Bids for this project are due August 21<sup>st</sup>.

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- Other

Attached you will find the following: the Administrator's response to a recent public records; the minutes and the presentation at the recent Exit 36 Steering Committee meeting; and a copy of a recent letter sent in response to a resident inquiry.

### 10. Selectmen's Reports

Selectman Lambert thanked the Highway Department for their hard work in maintaining the fields, parks and the center of Town. Selectman Lambert attended the Sheriff's graduation of the summer program the Sheriff makes available to the town's youth. Selectman Curseaden informed everyone that the yield sign was all set at the bridge and the Arlington Office said that they would be restriping the lane identification at exits 24, 35 and 36. The Westford and Dunstable intersection has a plan lay out and sketch made available for the engineers to review. Selectwoman Puleo urges everyone to drive carefully as school starts on August 27<sup>th</sup>, and also spoke about the message that was sent out on Saturday reminding everyone about the rules governing the toters. Selectman Reault reminded everyone of the Farmers Market on Sunday from 9AM – 12Noon at the Littlefield Library location on Middlesex Road.

### 11. Executive Session

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss the following :

- A. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares –Clerical Union; Mid-Managers Union
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

and to exit executive session only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Allen Curseaden, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 7:00 PM.

### 12. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 7:20 PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday August 26, 2013

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### 1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

### 2. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday, July 29, 2013

### 3. Citizen/Business Time

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### 4. New Business

A. Permanent Borrowing/Bond Anticipation Note (Town Treasurer) - Approve

### 5. Old Business

A. First Parish Meeting House

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A. Informational

B. Action

### 8. Review of Weekly Warrants

### 9. Town Administrator's Report

- Response to Selectmen's Requests
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- Departmental Information
- Contracting/Procurement
- Other

### 10. Selectmen's Reports

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- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

### 12. Adjournment

#### **Future Meetings**

**Monday, August 26<sup>th</sup>, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane**

**Monday, September 9<sup>th</sup>, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane**

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